

REMARKS

Claims 7-8, 10-19 and 21-28 remain pending in the application. The office action states that the inventions set forth by these claims do not meet the requirements of 35 U.S.C. § 103(a) and are unpatentable over U.S. Patent No. 6,650,225 B2 to Bastion (hereinafter “Bastion”) in view of Japanese Patent No. JP 2000-118641 to Takizawa (hereinafter “Takizawa”). The applicants respectfully traverse the allegation and respond as follows. Withdrawal of the rejection and reconsideration is respectfully requested.

A. Declaration Under 37 C.F.R. § 1.131

Applicants have submitted concurrently with this amendment a declaration of John Randolph Lewis and Sean Gary McGonagle under 37 C.F.R. § 1.131. The declaration establishes a conception date and reduction to practice for the invention disclosed and claimed in the present application well before the April 24, 2000 effective date of Takizawa. Because the declaration effectively swears behind Takizawa, that prior art reference is not considered in the § 103(a) discussion set forth below.

B. Claims 7-8, 10-19 and 21-28 Meet the Requirements of Section 103(a)

In light of the Declaration Under Rule 37 C.F.R. § 1.131 submitted herewith, Bastion is the sole remaining cited prior art reference. The Examiner does not allege obviousness over Bastion in view of any other reference, an implicit disclosure, reliance on scientific theory, reliance on common knowledge in the art, or “well known” prior art. Because the Examiner admits that Bastion does not disclose limitations of claims 7, 13, 18, and 24, the reference does not render these claims unpatentable. Therefore, claims 7, 13, 18, and 24 are in allowable form. Because claims 8, 10-12, 14-17, 19, 21-23, and 25-28 depend from allowable claims, it is believed that all pending claims are in allowable form.

C. Conclusion

In view of the above remarks, the applicants respectfully request favorable re-consideration and passage to issuance of this application. The applicants invite the examiner to contact the undersigned attorney with any questions regarding this response or the application as a whole. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855.

Respectfully submitted for,

MARSHALL, GERSTEIN & BORUN LLP

September 1, 2006

By:



Randall G. Rueth
Registration No.: 45,887
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant